

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

BRUCE MCCOY,

Plaintiff,

v.

GENERAL MOTORS LLC and
ED MORSE AUTOMOTIVE LLC,

Defendants.

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CIVIL ACTION NO. 4:21-CV-979

Jury Demand

INDEX OF STATE COURT DOCUMENTS

DOCUMENT

DATE

- | | |
|--|---------------|
| 1. Plaintiff's Original Petition with Attached Requests for Disclosure to Defendant | May 5, 2021 |
| 2. Citation to GM LLC | May 5, 2021 |
| 3. Citation to Ed Morse Automotive LLC | May 5, 2021 |
| 4. Return of Citation for Ed Morse Automotive LLC | June 2, 2021 |
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12. Court Docket Sheet

096-325062-21

May 4, 2021

ATTN: Clerk of Court
Tarrant County Civil Courthouse
Tom Vandergriff Civil Courts Building, 100 Calhoun St,
Fort Worth, Texas 76196

Via E-FILE

RE: ***Cause No.: Original Petition***
Bruce McCoy v. General Motors LLC., and Ed Morse Automotive LLC. Original Petition

Dear Court Clerk:

Enclosed is a copy of the plaintiff's original petition.

Please issue the citations to constable for service and return a file marked copy via email of the original petition,

Please provide me copies of the citation that will be issued to the constable for my records.

Should you have any questions please do not hesitate to contact me. Thank you for your attention to this matter.

Sincerely,

Respectfully,



Attorney Arnesia B. Davis
The Law Office of Arnesia B. Davis
P.O. Box 1493
DeSoto, Texas 75115
Tel: 833.273.8478 Ext. 1
Facsimile: 833.273.8478
Email: a.davis@areuhrt.com

FILED
TARRANT COUNTY
5/5/2021 9:41 AM
THOMAS A. WILDER
DISTRICT CLERK

Cause No. 096-325062-21

BRUCE MCCOY,	§	IN THE DISTRICT COURT
Plaintiff	§	
	§	
vs.	§	TARRANT COUNTY,
	§	TEXAS
	§	
GENERAL MOTORS LLC., and	§	_____ JUDICIAL DISTRICT
ED MORSE AUTOMOTIVE LLC.	§	
Defendants	§	

**PLAINTIFF'S ORIGINAL PETITION WITH ATTACHED
REQUESTS FOR DISCLOSURE TO DEFENDANT**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES BRUCE MCCOY, hereinafter called Plaintiff, complaining of and about
GENERAL MOTORS and ED MORSE AUTOMOTIVE LLC., hereinafter called Defendants,
and for cause of action shows unto the Court the following:

**I.
DISCOVERY CONTROL PLAN LEVEL**

Plaintiff intends that discovery be conducted under Discovery Level 2. Plaintiff intends
that discovery be conducted under Discovery Level 2 as dictated by Rule 190.3 Texas Rules of
Civil Procedure.

**II.
PARTIES SERVICE**

Plaintiff BRUCE MCCOY is an individual residing in Dallas, County.

Defendants are GENERAL MOTORS LLC., may be served through their registered agent of service CT Corporation at 211 E. 7th Street, Suit 620 Austin, Texas 78701-4234 USA. ED MORSE AUTOMOTIVE LLC., may be served through their registered agent of service CT Corporation at 1999 Bryan St. STE 900 Dallas, Texas 75201-3140 USA.

III. JURISDICTION AND VENUE

The subject matter in controversy is within the jurisdictional limits of this court. Venue in Tarrant County is proper in this cause under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because all the events giving rise to this claim occurred in Tarrant County.

IV. FACTS

At approximately 3:47 a.m. on May 5, 2019, BRUCE MCCOY was driving Southbound in the 7500 Block of S HWY 360 in the #2 lane when the vehicle's ECM and the Transmissions Accumulator Bolts malfunctioned, causing him to suddenly lose control of his vehicle and collide with the guard rail on the East side of the highway. The impact was so severe that it caused the Plaintiff to blackout from the severe collision into the guardrail.

V. PROPERTY DAMAGE

The property damage to the vehicle the Plaintiff was driving was so extensive that it had to be towed from the scene.

VI.
LIABILITY OF GENERAL MOTORS LLC., AND ED MORSE AUTOMOTIVE LLC.

GENERAL MOTORS LLC., and ED MORSE AUTOMOTIVE LLC., are liable to the Plaintiff due to the fact that they placed a defective vehicle in the chain of commerce. GENERAL MOTORS LLC., and ED MORSE AUTOMOTIVE LLC., caused this catastrophic incident due to the following acts:

- a. Intentionally placing a defective vehicle into the chain of commerce;
- b. Failing to properly notify the plaintiff of defective vehicle;
- c. Failing to timely issue a recall when, they had knowledge of such defect.

VII.
DAMAGES

As a result of the malfunction, Plaintiff has suffered injury including the following:

- a. Lost Wages, including lost benefits;
- b. Physical Pain in the past;
- c. Physical Pain in the future;
- d. Mental Anguish in the past;
- e. Mental Anguish in the future;
- f. Physical Impairment in the past and future;
- g. Disfigurement;
- h. Medical Expense in the Past;
- i. Medical Expense in the Future;
- j. Prejudgment Interest;
- k. Post judgment Interest;

1. Costs of Court.

**VIII.
JURY DEMAND**

Plaintiff herein demands a trial by jury.

**IX.
PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that upon final hearing hereof, Plaintiff have:

1. Judgment against Defendants for the actual and special damages suffered by Plaintiff as a result of Defendants' conduct, in an amount in excess of the minimum jurisdictional limits of the Court;
2. Cost of Suit;
3. Prejudgment and Post Judgment interest as provided by law;
4. Such other further relief to which Plaintiff may show himself justly entitled.

REQUEST FOR DISCLOSURE

TO DEFENDANTS: GENERAL MOTORS LLC., and ED MORSE AUTOMOTIVE LLC.: Pursuant to Rule 194, you are requested to disclose, within 50 days of service of this request, the information or materials described in Rule 194.2.

SIGNED on May 4, 2021

Respectfully submitted,

/s/ Arnesia B. Davis

Arnesia B. Davis

State Bar No. 24096363

a.davis@areuhrt.com

ARNESIA B. DAVIS, PLLC.

P.O. Box 1493

DeSoto, Texas 75115

Telephone (833) 273-8478

Facsimile (833) 273-8478

ATTORNEY FOR PLAINTIFF

THE STATE OF TEXAS
DISTRICT COURT, TARRANT COUNTY

CITATION

Cause No. 096-325062-21

BRUCE MCCOY
VS.
GENERAL MOTORS LLC., ET AL

TO: GENERAL MOTORS LLC

B/S REG AGENT-CT CORPORATION 211 E 7TH ST STE 620 AUSTIN, TX 78701-4234

You said DEFENDANTS are hereby commanded to appear by filing a written answer to the PLAINTIFF'S ORIGINAL PETITION WITH ATTACHED REQUESTS FOR DISCLOSURE TO DEFENDANT at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof before the 96th District Court, 100 N CALHOUN, in and for Tarrant County, Texas, at the Courthouse in the City of Fort Worth, Tarrant County, Texas said PLAINTIFF being

BRUCE MCCOY

Filed in said Court on May 5th, 2021 Against
GENERAL MOTORS LLC, ED MORSE AUTOMOTIVE LLC

For suit, said suit being numbered 096-325062-21 the nature of which demand is as shown on said PLAINTIFF'S ORIGINAL PETITION WITH ATTACHED REQUESTS FOR DISCLOSURE TO DEFENDANT a copy of which accompanies this citation.

ARNESIA B DAVIS

Attorney for BRUCE MCCOY Phone No. (833)273-8478

Address PO BOX 1493 DESOTO, TX 75115

Thomas A. Wilder, Clerk of the District Court of Tarrant County, Texas. Given under my hand and the seal of said Court, at office in the City of Fort Worth, this the 6th day of May, 2021.

By Natalie Thigpen Deputy
NATALIE THIGPEN

NOTICE: You have been served. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 AM. on the Monday next following the expiration of twenty days after you were served this citation and peddoo, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Thomas A. Wilder, Tarrant County District Clerk, 100 N CALHOUN, FORT WORTH TX 76196-0402

OFFICER'S RETURN *09632506221000004*

Received this Citation on the _____ day of _____ at _____ o'clock _M; and executed at _____ within the county of _____, State of _____ at _____ o'clock _M on the _____ day of _____ by delivering to the within named (Def.):
defendant(s), a true copy of this Citation together with the accompanying copy of PLAINTIFF'S ORIGINAL PETITION WITH ATTACHED REQUESTS FOR DISCLOSURE TO DEFENDANT, having first endorsed on same the date of delivery.

Authorized Person/Constable/Sheriff:

County of _____ State of _____

By _____ Deputy

Fees \$

State of _____ County of _____

(Must be verified if served outside the State of Texas)

Signed and sworn to by the said _____
to certify which witness my hand and seal of office

before me this _____ day of _____

(Seal)

County of _____ State of _____

CITATION

Cause No. 096-325062-21

BRUCE MCCOY

VS.

GENERAL MOTORS LLC, ET AL

ISSUED

This 6th day of May, 2021

Thomas A. Wilder
Tarrant County District Clerk
100 N CALHOUN
FORT WORTH TX 76196-0402

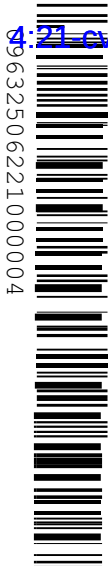
By NATALIE THIGPEN Deputy

ARNESIA B DAVIS

Attorney for: BRUCE MCCOY
Phone No. (833)273-8478
ADDRESS: PO BOX 1493

DESOTO, TX 75115

CIVIL LAW



09632506221000004

SERVICE FEES NOT COLLECTED
BY TARRANT COUNTY DISTRICT CLERK
ORIGINAL

THE STATE OF TEXAS
DISTRICT COURT, TARRANT COUNTY

CITATION

Cause No. 096-325062-21

BRUCE MCCOY

VS.

GENERAL MOTORS LLC., ET AL

TO: ED MORSE AUTOMOTIVE LLC

B/S REG AGENT-CT CORPORATION 1999 BRYAN ST STE 900 DALLAS, TX 75201-3140

You said DEFENDANTS are hereby commanded to appear by filing a written answer to the PLAINTIFF'S ORIGINAL PETITION WITH ATTACHED REQUESTS FOR DISCLOSURE TO DEFENDANT at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof before the 96th District Court, 100 N CALHOUN, in and for Tarrant County, Texas, at the Courthouse in the City of Fort Worth, Tarrant County, Texas said PLAINTIFF being

BRUCE MCCOY

Filed in said Court on May 5th, 2021 Against
GENERAL MOTORS LLC, ED MORSE AUTOMOTIVE LLC

For suit, said suit being numbered 096-325062-21 the nature of which demand is as shown on said PLAINTIFF'S ORIGINAL PETITION WITH ATTACHED REQUESTS FOR DISCLOSURE TO DEFENDANT a copy of which accompanies this citation.

ARNESIA B DAVIS

Attorney for BRUCE MCCOY Phone No. (833)273-8478

Address PO BOX 1493 DESOTO, TX 75115

Thomas A. Wilder, Clerk of the District Court of Tarrant County, Texas. Given under my hand and the seal of said Court, at office in the City of Fort Worth, this the 6th day of May, 2021.

By



Deputy

NATALIE TIGPEN

NOTICE: You have been sued. You may employ an attorney. If you or your money do not make a written answer with the clerk who issued this citation by 10:00 AM. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Thomas A. Wilder, Tarrant County District Clerk, 100 N CALHOUN, FORT WORTH TX 76196-0402

OFFICER'S RETURN *09632506221000005*

Received this Citation on the _____ day of _____ at _____ o'clock _____ M; and executed at _____ within the county of _____, State of _____ at _____ o'clock _____ M on the _____ day of _____ by delivering to the within named (DEFENDANT):
defendant(s), a true copy of this Citation together with the accompanying copy of PLAINTIFF'S ORIGINAL PETITION WITH ATTACHED REQUESTS FOR DISCLOSURE TO DEFENDANT, having first endorsed on same the date of delivery.

Authorized Person/Constable/Sheriff:

County of _____ State of _____ By _____

Deputy

Fees \$

State of _____ County of _____

(Must be verified if served outside the State of Texas)

Signed and sworn to by the said _____
to certify which witness my hand and seal of office

before me this _____ day of _____

(Seal)

County of _____, State of _____

CITATION

Cause No. 096-325062-21

BRUCE MCCOY

VS.

GENERAL MOTORS LLC, ET AL

ISSUED

This 6th day of May, 2021

Thomas A. Wilder
Tarrant County District Clerk
100 N CALHOUN
FORT WORTH TX 76196-0402

By NATALIE THIGPEN Deputy

ARNESIA B DAVIS

Attorney for: BRUCE MCCOY
Phone No. (833)273-8478
ADDRESS: PO BOX 1493

DESOTO, TX 75115

CIVIL LAW



09632506221000005

SERVICE FEES NOT COLLECTED
BY TARRANT COUNTY DISTRICT CLERK
ORIGINAL

THE STATE OF TEXAS
DISTRICT COURT, TARRANT COUNTY**KD 0**

CITATION

Cause No. 096-325062-21

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Lakil tim7 BRUCE MCCOY

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vs.

GENERAL MOTORS LLC., ET AL

TO: ED MORSE AUTOMOTIVE LLC

B/S REG AGENT-CT CORPORATION 1999 BRYAN ST STE 900

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You said DEFENDANTS are hereby cortenznded to appear by filing a written answer to the PLAINTIFF'S ORIGINAL PETIT t4 WITH ATTACHED REQUESTS FOR DISCLOSURE TO DEFENDANT at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof before the 96th District Court ,100 N CALHOUN, In and for Tarrant County, Texas, at the Courthouse in the City of Port Worth. Tarrant County. Texas said PLAINTIFF being

BRUCE MCCOY

Filed in said Court on May 5th. 2021 Against

GENERAL MOTORS LLC, ED NORSE AUTOMOTIVE LLC

For suit, said suit being numbered 096-325062-21 the nature of which demand is as shown on said PLAINTIFF'S ORIGINAL PETITION WITH ATTACHED REQUESTS FOR DISCLOSURE TO DEFENDANT a copy of which accompanies tlipt citation,

ARNESIA B DAVIS

Attorney for BRUCE MCCOY Phone No. (833)273-8478

Address PO BOX 1493 DESOTO, TX 75115

Thomas A. wilder

, Clerk of the District Court of Tarrant County, Texas. Given under my hand and the seal of said Court, at office in the City of Fort Worth, this the 6th day of May, 2021.

By

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NATALIE THIGPEN

*1; AMRTIFKOCOPY
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NOTICE: Yee Abe Sea std. Vac our employs woozy. If rearms wooer do DOI Ale • wean mow wit de cleat who Surd Oh duns by 10:03 AM. oo de Moe* itat folaing the erpinlie of omen def. Oa /IR wit ica'S this dution sad prdtha, a defsalledesal saybe Sk 4.2051 two. In SOO= m Leg E Mien waver with Pe clerk. roe our be 'veiled m este ishad dielosees to We Sr sal of ti, eh. Thee &wkan stonily oat be moles law due XI days Nu you Sc your rawer with de dert Fief me num a TnaleeNdp.es.

Thomas A. Wilder, Tarrant County District Clerk, 103 N CALHOUN, FORT WORTH TX 761964402

OFFICER'S 1³/4721 h32506221000005*

Received this Citation on the _____ day of _____ at _____ o'clock M; and executed at _____ within the county of _____ State of _____ at _____ o'clock M on the _____ day of _____, by delivering to the within named (Def.); defendant(a), a true copy of this Citation together with the accompanying copy of PLAINTIFF'S ORIGINAL PETITION WITH ATTACHED REQUESTS FOR DISCLOSURE TO DEFENDANT, having first endorsed on game the date of delivery.

TRACEY GULLEY, CONSTABLE'
DALLAS COUNTY PRECINCT 1

Authorized Person/Constable/Sheriff:

County of _____

State of _____

By _____

Deputy

Fees \$ _____

State of _____

County of _____

(Must be verified if served outside the State of Texas)

Signed and sworn to by the said _____

before re this _____ day of _____

to certify which witness my hand and seal of office

(Seal)

County of _____

State of _____

CONSTABLE'S RETURN

Style of Case:

BRUCE MCCOY VS. GENERAL MOTORS LLC, ET AL

Came into hand, this 26 ^{day} ^{of} MAY **,20** 21 **, at** 10:50
o'clock A **M.** **by executing and delivering a** CITATION **issued out of the**
state of TEXAS **under cause number:** 096-325062-21 **, on the** 26 **day**
of MAY **20** 21 **, at** 2.47 **o'clock** P **M., to:**

☐ **personally delivered/served true and correct copies of same.**

OTHER NOTES:

☐ **pursuant to Rule 106/Rule 536, to an occupant:** _____
over the age of 16 years.

☐ **pursuant to Rule 106/Rule 536, by securely attaching**
and/or affixing to the _____ **of the defendant's last known place of**

☐ **business** D **abode.**

ED MORSE AUTOMOTIVE LLC

N **A Corporation** 0 **A Business**

Name: CT CORPORATION SYSTEM

0 **President** 0 **Vice-President** N **Registered Agent**

By delivering to the defendant's registered agent for service, CT CORPORATION SYSTEMS,
through their authorized agent to accept service. KIRK ATKINS SOP INTAKE
at 1999 BRYAN STREET SUITE 900 DALLAS, TEXAS 75201.

Service Address: 1999 BRYAN STREET SUITE 900 DALLAS, TEXAS 75201

☐ **RETURNED TO COURT AND/OR PLAINTIFF FOR THE FOLLOWING REASONS:**

Service Fees: \$ 80.00

COUNTY OF DALLAS §

STATE OF TEXAS §

S S'
A Escamilla #119, DEPUTY CONSTABLE
TRACEY L. GULLEY, CONSTABLE
DALLAS COUNTY PRECINCT 1

SIGNED AND SWORN BY SAID _____ **, before me, this** _____
day of _____ **20** _____ **to certify which, witness my hand and seal of office.**

NOTARY PUBLIC-IN AND FOR THE STATE OF TEXAS

FILED
TARRANT COUNTY
5/5/2021 9:41 AM
THOMAS A. WILDER
DISTRICT CLERK

Cause No. 096-325062-21

BRUCE MCCOY,
Plaintiff

IN THE DISTRICT COURT

vs.

TARRANT COUNTY,
TEXAS

GENERAL MOTORS LLC., and
ED MORSE AUTOMOTIVE LLC.
Defendants

_____ JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION WITH ATTACHED
REQUESTS FOR DISCLOSURE TO DEFENDANT**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES BRUCE MCCOY, hereinafter called Plaintiff, complaining of and about
GENERAL MOTORS and ED MORSE AUTOMOTIVE LLC., hereinafter called Defendants,
and for cause of action shows unto the Court the following:

I.
DISCOVERY CONTROL PLAN LEVEL

Plaintiff intends that discovery be conducted under Discovery Level 2. Plaintiff intends
that discovery be conducted under Discovery Level 2 as dictated by Rule 190.3 Texas Rules of
Civil Procedure.

II.
PARTIES SERVICE

Plaintiff BRUCE MCCOY is an individual residing in Dallas, County.

THE STATE OF TEXAS
DISTRICT COURT, TARRANT COUNTY

CITATION

Cause No. 096-325062-21

BRUCE MCCOY
VS.
GENERAL MOTORS LLC., ET AL

TO: GENERAL MOTORS LLC

B/S REG AGENT-CT CORPORATION 211 E 7TH ST STE 620 AUSTIN, TX 78701-4234

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BRUCE MCCOY

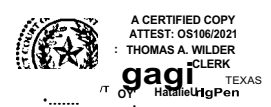
Filed in said Court on may 5th, 2021 Against
GENERAL MOTORS LLC, ED MORSE AUTOMOTIVE LLC

For suit, said suit being numbered 096-325062-21 the nature of which demand is as shown on said PLAINTIFF'S ORIGINAL PETITION WITH ATTACHED REQUESTS FOR DISCLOSURE TO DEFENDANT a copy of which accompacys t citation.

ARNESIA B DAVIS
Attorney for BRUCE MCCOY Phone No. (833)273-8478
Address PO BOX 1493 DESOTO, TX 75115

Thomas A. Wilder . Clerk of the District Court of Tarrant County, Texas. Given under my hand and the seal of said Court, at office in the City of Fort worth, this the 6th day of May, 2021.

By O. 44A4N
NATALIE THF6PEN



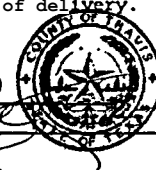
NOTICE: You have teem sued. Yen may employ in attorney. If you or your attorney do not file a written nuwer with the clerk who issued this citation by 10:03 AM. on the Monday Den following die expiration of twenty days after you were served this citation and retinal. a default Judy may be taken against you. In addition so Sling a written curer with the clerk. yew may be required to make Cain tEnlosures to the other parties of this nth. Ttese disclostres generally must be nude oo later than 30 days sou you Me your answer with the clerk. Find cut more at TeusLawHelp.org.

Thomas A. Wilder, Tarrant County District Clerk, 100 N CALHOUN, FORT WORTH TX 76196-0402

4C? FIFI CM' RETURN *09632506221000004*

Received this Citation on th6;"O day of at...%4-1 o'clock M; and executed at c=911 E-14 I. civAILrIAD. 7% 1 O i within the c tank of -1-74\t'i..S, State of ==M at...9% 52 o'clock on theCR 4N- day of VV. F=PDI by delivering to the within named (Def.): 6E-te[-1 re f-LLC. defendant(s), a true copy of Citation together with the accompanying copy of PLAINTIFF'S ORIGINAL PETITION WITH ATTACHED REQUESTS FOR DISCLOSURE TO DEFENDANT, having first endorsed on same the date of delivery.

Authorized Person/Constable/Sheriff: [Signature]
County of [Signature] State of [Signature]



Constable Tonya Nixon
Precinct One
4717 Heflin Ln. #127
Austin, 93(78721

Fees \$
State of County of (Must be verified if served outside the State of Texas)
Signed and sworn to by the said before me this day of
to certify which witness my hand and seal of office
(Seal)
County of , State of

CITATION

Cause No. 096-325062-21

BRUCE MCCOY

VS.

GENERAL MOTORS LLC., ET AL

ISSUED

This 6th day of May, 2021

**Thomas A. Wilder
Tarrant County District Clerk
100 N CALHOUN
FORT WORTH TX 76196-0402**

By NATALIE THIGPEN Deputy

ARNESIA B DAVIS

Attorney for: BRUCE MCCOY

Phone No. (833)273-8478

ADDRESS: PO BOX 1493

DESOTO, TX 75115

CIVIL LAW

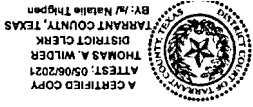


09632506221000004

SERVICE FEES NOT COLLECTED

BY TARRANT COUNTY DISTRICT CLERK

ORIGINAL



FILED
TARRANT COUNTY
5/5/2021 9:41 AM
THOMAS A. WILDER
DISTRICT CLERK

Cause No. 096-325062-21

BRUCE MCCOY,
Plaintiff

IN THE DISTRICT COURT

vs.

TARRANT COUNTY,
TEXAS

GENERAL MOTORS LLC., and
ED MORSE AUTOMOTIVE LLC.
Defendants

_____ JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION WITH ATTACHED
REQUESTS FOR DISCLOSURE TO DEFENDANT**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES BRUCE MCCOY, hereinafter called Plaintiff, complaining of and about GENERAL MOTORS and ED MORSE AUTOMOTIVE LLC., hereinafter called Defendants, and for cause of action shows unto the Court the following:

I.
DISCOVERY CONTROL PLAN LEVEL

Plaintiff intends that discovery be conducted under Discovery Level 2. Plaintiff intends that discovery be conducted under Discovery Level 2 as dictated by Rule 190.3 Texas Rules of Civil Procedure.

II.
PARTIES SERVICE

Plaintiff BRUCE MCCOY is an individual residing in Dallas, County.

096-325062-21

FILED
TARRANT COUNTY
6/18/2021 9:49 AM
THOMAS A. WILDER
DISTRICT CLERK**CAUSE NO. 096-325062-21****BRUCE MCCOY,***Plaintiff,***v.****GENERAL MOTORS LLC and
ED MORSE AUTOMOTIVE LLC,***Defendants.*§
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§**IN THE DISTRICT COURT OF****TARRANT COUNTY****96TH JUDICIAL DISTRICT****GENERAL MOTORS LLC'S OBJECTIONS,
SPECIAL EXCEPTIONS, AND ORIGINAL ANSWER**

Defendant General Motors LLC ("GM LLC") files these Objections, Special Exceptions, and Original Answer to Plaintiff's Original Petition with Attached Requests for Disclosure (the "Petition") and would respectfully show the Court as follows:

I.**OBJECTIONS AND SPECIAL EXCEPTIONS**

1. GM LLC objects and specially excepts to the Petition because it fails to specify the maximum amount of damages claimed. Pursuant to Texas Rule of Civil Procedure 47, GM LLC hereby requests the Court require Plaintiff to replead, specifying the maximum amount of damages claimed. Per Rule 47, Plaintiff may not conduct discovery until his pleading is amended to comply. *See* TEX. R. CIV. P. 47(d).

II.**SUBJECT TO OBJECTIONS AND SPECIAL EXCEPTIONS, GM LLC'S GENERAL DENIAL**

2. With the exception of admitting the terms and existence of applicable recalls, , pursuant to Rule 92 of the Texas Rules of Civil Procedure, GM LLC denies each and every material allegation contained in the Petition, demands strict proof thereof, and to the extent such matters

are questions of fact, says Plaintiff should prove such facts by a preponderance of the evidence to a jury if he can do so.

III.

SUBJECT TO OBJECTIONS AND SPECIAL EXCEPTIONS, GM LLC'S AFFIRMATIVE DEFENSES

3. Pleading further, alternatively, and by way of affirmative defense, GM LLC would show the Court the accident in question and any alleged resulting injuries or damages were the result of negligent acts and/or omissions of others and/or third parties beyond GM LLC's control—including, but not limited to, Plaintiff—whose acts or omissions were a proximate cause, producing cause, sole proximate cause, or sole producing cause of the accident in question and any alleged resulting injuries or damages. *See* TEX. CIV. PRAC. & REM. CODE § 33.001 *et. seq.*

4. Pleading further, alternatively, and by way of affirmative defense, GM LLC pleads it is entitled to a presumption against liability, pursuant to Texas Civil Practice and Remedies Code section 82.008(a).

5. Pleading further, alternatively, and by way of affirmative defense, GM LLC asserts the limitations of damages recoverable as provided by applicable portions of the Texas Business and Commerce Code (including but not limited, §§ 2.316 and 2.719); the Texas Civil Practice and Remedies Code (including but not limited to Chapters 32, 33 and 38); the exclusion of implied warranties as provided by applicable portions of the Texas Business and Commerce Code (including, but not limited to, § 2.316); and any other applicable statute or rule of law, and any other applicable affirmative defenses contained in the Texas Business and Commerce Code and the Texas Civil Practice & Remedies Code.

6. Pleading further, alternatively, and by way of affirmative defense, the subject vehicle complied with Federal Motor Vehicle Safety Standards and other applicable federal

requirements as they relate to the alleged defects asserted in this case. Accordingly, GM LLC pleads Plaintiff's claims may be barred in whole or in part by the doctrine of federal preemption.

7. Pleading further, alternatively, and by way of affirmative defense, GM LLC states in the unlikely event that an adverse judgment would be rendered against it, GM LLC is entitled to all available credits and/or offsets as provided by the Texas Civil Practice & Remedies Code and under Texas law.

8. Pleading further, alternatively, and by way of affirmative defense, GM LLC contends that any claims for medical or health care expenses are limited to the amount actually paid or incurred by or on behalf of Plaintiff pursuant to Texas Civil Practice and Remedies Code § 41.0105.

9. Pleading further, alternatively, and by way of affirmative defense, GM LLC states that, pursuant to § 18.091 of the Texas Civil Practice and Remedies Code, to the extent Plaintiff is seeking recovery for loss of earnings, lost wages, loss of earning capacity, loss of inheritance, and/or loss of contributions of a pecuniary value, Plaintiff must present evidence of the alleged loss in the form of a net loss after reduction for income tax payments or unpaid tax liability pursuant to any federal income tax law.

10. Pleading further, alternatively, and by way of affirmative defense, GM LLC asserts that any claims brought by Plaintiff are barred by the applicable statute of limitations.

11. Pleading further, alternatively, and by way of affirmative defense, GM LLC states that to the extent Plaintiff failed to maintain or preserve the subject vehicle and/or its component parts in their immediate post-accident condition, such party may be responsible for spoliation and Plaintiff may not maintain an action against GM LLC.

12. GM LLC hereby gives notice that it intends to rely upon such other defenses or denials as may become available or appear during discovery as it proceeds in this matter, and hereby reserves the right to amend its Answer to assert such defenses.

III.
JURY DEMAND

13. GM LLC respectfully demands a jury for the trial of this matter.

IV.
PRAYER

Defendant GM LLC respectfully requests that Plaintiff take nothing by reason of this suit; that GM LLC recover its costs herein expended; and for such other and further relief, both at law and in equity, to which GM LLC may be justly entitled.

Respectfully submitted,

/s/ Deron L. Wade

DERON L. WADE

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REBEKAH L. HUDGINS

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Telephone: (214) 462-6400

Facsimile: (214) 462-6401

**ATTORNEYS FOR DEFENDANT
GENERAL MOTORS LLC**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on all counsel of record according to the Texas Rules of Civil Procedure on this the 18th day of June, 2021.

/s/ Deron L. Wade

DERON L. WADE

096-325062-21

FILED
TARRANT COUNTY
6/21/2021 1:51 PM
THOMAS A. WILDER
DISTRICT CLERK

Cause No. 096-325062-21

BRUCE MCCOY,	§	IN THE DISTRICT COURT
<i>Plaintiff,</i>	§	
	§	
vs.	§	96 TH JUDICIAL COURT
	§	
GENERAL MOTORS LLC, and	§	
ED MORSE AUTOMOTIVE LLC,	§	
<i>Defendants.</i>	§	TARRANT COUNTY, TEXAS

**DEFENDANT ED MORSE AUTOMOTIVE LLC'S
ORIGINAL ANSWER**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Defendant Ed Morse Automotive, LLC d/b/a Freedom Chevrolet Buick GMC by Ed Morse ("Defendant") and files this its Original Answer, and would respectfully show the Court as follows:

General Denial

Pursuant to Rule 92, Defendant exercises its right to deny generally, each and every, all and singular the allegations of the Plaintiff's Original Petition and all amendments and supplements thereto and demands strict proof thereof.

Affirmative Defenses

Defendant seeks indemnity from the manufacturer.

WHEREFORE, Defendant prays that this matter be set for hearing, that upon hearing, the Court enter a take nothing judgment against Plaintiff, tax all costs of court against Plaintiff, and grant such other and further relief, in law or in equity, to which they may show themselves to be justly entitled.

Respectfully submitted,

CLARK, MALOUF & WHITE, L.L.P.

By: /s/ Tom C. Clark

Tom C. Clark

State Bar No. 04298750

Direct: (214) 559-4411

E-mail: tom@cmwattorneys.com

12222 Merit Drive, Ste. 340

Dallas, Texas 75251

(214) 559-4400

(214) 559-4466 - fax

ATTORNEYS FOR DEFENDANT

Ed Morse Automotive, LLC d/b/a Freedom

Chevrolet Buick GMC by Ed Morse

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of June 2021, a true and correct copy of the above foregoing document was served in accordance with Rule 21a of the Texas Rules of Civil Procedure via e-mail through the EFM.

/s/ Tom C. Clark

Tom C. Clark

096-325062-21

FILED
TARRANT COUNTY
7/20/2021 9:15 PM
THOMAS A. WILDER
DISTRICT CLERK

CAUSE NO. 096-325062-21

BRUCE MCCOY,	§	IN THE DISTRICT COURT
Plaintiff	§	
	§	
vs.	§	TARRANT COUNTY,
	§	TEXAS
	§	
GENERAL MOTORS LLC, and	§	96TH JUDICIAL DISTRICT
FREEDOM CHEVROLET		
BUICK GMC BY ED MORSE.,		
Defendants		

**PLAINTIFF'S FIRST AMENDED PETITION WITH ATTACHED
REQUESTS FOR DISCLOSURE TO DEFENDANT**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES BRUCE MCCOY, hereinafter called Plaintiff, complaining of and about
GENERAL MOTORS and BUICK GMC BY ED MORSE., hereinafter called Defendants, and
for cause of action shows unto the Court the following:

I.

DISCOVERY CONTROL PLAN LEVEL

Plaintiff intends that discovery be conducted under Discovery Level 2. Plaintiff intends that discovery be conducted under Discovery Level 2 as dictated by Rule 190.3 Texas Rules of Civil Procedure.

II.

PARTIES SERVICE

Plaintiff BRUCE MCCOY is an individual residing in Dallas, County.

Defendants are GENERAL MOTORS LLC., may be served through their registered agent of service CT Corporation at 211 E. 7th Street, Suit 620 Austin, Texas 78701-4234 USA. ED MORSE AUTOMOTIVE LLC., may be served through their registered agent of service CT Corporation at 1999 Bryan St. STE 900 Dallas, Texas 75201-3140 USA.

III.

JURISDICTION AND VENUE

The subject matter in controversy is within the jurisdictional limits of this court. Venue in Tarrant County is proper in this cause under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because all the events giving rise to this claim occurred in Tarrant County.

IV.

FACTS

At approximately 3:47 a.m. on May 5, 2019, BRUCE MCCOY was driving Southbound in the 7500 Block of S HWY 360 in the #2 lane when the vehicle's ECM and the Transmissions Accumulator Bolts Malfunctioned, causing him to suddenly lose control of his vehicle and collide with the guard rail on the East side of the roadway. The impact was so severe that it caused Mr. McCoy to blackout from the sever collision into the guardrail.

V.

PROPERTY DAMAGE

The property damage to the vehicle the Plaintiff was driving was so extensive that it had to be towed from the scene.

VI.

**LIABILITY OF GENERAL MOTORS, LLC. AND FREEDOM CHEVORLET BUICK
GMC BY ED MORSE**

GENERAL MOTORS LLC., and ED MORSE AUTOMOTIVE LLC., are liable to the Plaintiff due to the fact that they placed a defective vehicle in the chain of commerce.

GENERAL MOTORS LLC., and ED MORSE AUTOMOTIVE LLC., caused this catastrophic incident due to the following acts:

- a. Intentionally placing a defective vehicle into the chain of commerce;
- b. Failing to properly notify the plaintiff of defective vehicle;
- c. Failing to timely issue a recall when, they had knowledge of such defect.

VII.

DAMAGES

As a result, Plaintiff has suffered injury including the following:

- a. Lost Wages, including lost benefits;
- b. Physical Pain in the past;
- c. Physical Pain in the future;
- d. Mental Anguish in the past;
- e. Mental Anguish in the future;
- f. Physical Impairment in the past and future;
- g. Disfigurement;
- h. Medical Expense in the Past;
- i. Medical Expense in the Future;
- j. Prejudgment Interest;
- k. Post judgment Interest;
- l. Costs of Court.

VIII.

JURY DEMAND

Plaintiff herein demands a trial by jury.

IX

FIRST CLAIM FOR RELIEF

Breach of Express Warranties

- a. Plaintiff, individually, hereby incorporates each and every allegation as though fully set forth herein.
- b. General Motors breached its express warranties by offering for sale and selling defective vehicles that were by design and construction defective and unsafe, thereby subjecting the occupant of the vehicle to damages and risks of loss and injury.
- c. General Motors is under a continuing duty to inform its customers of the nature and existence of potential defects in the vehicles sold.
- d. For each vehicle sold by General Motors, an expressed written warranty was issued that covered the vehicle, which warranted the vehicle to be free of defects in materials and workmanship at the time of delivery.
- e. General Motors breached of its express warranties proximately caused the Plaintiff to suffer damages in excess of \$1,000,000.00.

X

SECOND CLAIM FOR RELIEF

Breach of Implied Warranties

- a. Plaintiff, individually, hereby incorporates each and every allegation as though fully set forth herein.
- b. General Motors impliedly warranted that the vehicles, which it designed, manufactured, sold, or leased to Plaintiff, were merchantable, fit and safe for their

ordinary use, not otherwise injurious to consumers, and would come with adequate safety warnings.

- c. Because the vehicle was equipped with defective electronic throttle control and/or accelerator pedal position sensors, the vehicle used by Plaintiff was unsafe, unfit for use when sold, threatened injury to its occupants, and was not merchantable. General Motors breached the implied warranty of merchantability to the Plaintiff, in that vehicles were not fit for their ordinary purpose and not merchantable.
- d. As a direct and proximate result of General Motor breach of implied warranty of merchantability and fitness for a particular purpose, Plaintiff suffered damages in excess of \$1,000,000.00.
- e. General Motors is under a continuing duty to inform its customers of the nature and existence of potential defects in the vehicles sold.

XI

THIRD CLAIM FOR RELIEF

Equitable Injunctive and Declaratory Relief

- a. The Deceptive Trade Practices Act prohibits the use of any “unfair or deceptive trade practice” in the sale or lease of any consumer goods or services.
- b. General Motors violated the Deceptive Trade Practices Act by, inter alia, engaging in the following unfair deceptive acts or practices:
 - 1. Failing to disclose material facts that deceived and had the tendency to deceive; and

2. Engaging in deception, misrepresentation, or knowing concealment, suppression, or omission of any material fact with the intent that a consumer rely on the same in connection with: (I) the promotion or sale of consumer goods or services; or (II) the subsequent performance of a merchant with respect to an agreement of sale or lease.

XII

FOURTH CLAIM FOR RELIEF

Deceptive Trade Practices Act (DTPA)

- a. General Motors violated the DTPA by concealing, suppressing or omitting material facts regarding the Vehicle, including, but not limited to, the fact that the Vehicle's electronic throttle control and/or accelerator pedal position sensor are defective, that as a result of such defect, the Vehicle's defective electronic throttle control and/or accelerator pedal position sensor fail prematurely, and that the cost of replacing or repairing the defective electronic throttle control and/or accelerator pedal position is high. This concealed or omitted information is the type of information upon which a consumer would be expected to rely on in making a decision whether to purchase, or how much to pay for, the Vehicles.
- b. General Motors concealed, suppressed or omitted these material facts in conducting trade and commerce with the intent that Plaintiff would rely on the omissions in the purchase of the Vehicle.

- c. General Motors intended that Plaintiff would rely on its concealment and omission of material facts, which occurred in the course of conduct involving trade and commerce.
- d. Defendants' practices, acts, policies and course of conduct violated the DTPA's prohibition on unfair and deceptive conduct in that:
 - 1. At the time of sale, Defendant knowingly and intentionally omitted and concealed material information regarding the Vehicle by failing to disclose to Plaintiff the defective electronic throttle control and/or accelerator pedal position sensors and the associated Engine Power Reduced defect.
 - 2. Thereafter, Defendant failed to disclose the defect to Plaintiff, through warnings, recall notices, and/or actively concealed from them that the Vehicle's electronic throttle control and/or accelerator pedal position sensors were defective, even though the company knew of such defects: (1) at the time of manufacture, when it was created the electronic throttle control and/or accelerator pedal position sensors in a manner unable to provide for consistently stable driving; (2) from complaints to the National Highway Traffic Safety Administration and to web forums actively monitored by General Motors; (3) when, on information and belief, General Motors internal analyses determined the ubiquity of the problem upon learning that the accelerator pedal position sensors were on backorder.

3. Based on these and, upon information and belief, other internal studies and investigations, Defendant knew with certainty that the electronic throttle control and/or accelerator pedal position sensors on the Vehicle would be compromised and that the vehicle would have the Engine power Reduced defect.
4. Furthermore, Defendant engaged in materially misleading and deceptive acts by continuing to sell the Vehicles to the consuming public and to represent that these vehicles were in good working order, merchantable, and not defective, despite Defendant's knowledge that the vehicles would not perform as intended, repressed, and warranted and that the above-described defects would cause purchasers to incur significant out-of-pocket costs and expenses.
5. Defendants' acts and omissions are unfair in that they (1) offend public policy; (2) are immoral, unethical, oppressive, or unscrupulous; and (3) cause substantial injury to consumers. Defendant has, through knowing, intentional, material omissions, concealed the true defective nature of the Vehicle.
6. Defendants' acts and omissions are also unfair in that they caused substantial injury to consumers far in excess of conceivable benefit; and are injuries or nature that they could not have been reasonably avoided by consumers.

7. Plaintiff seeks restitution of the substantial sums of money expended to diagnose and repair, which Defendant knew about prior to their sale.

XII

FIFTH CLAIM FOR RELIEF

Unjust Enrichment

- a. Plaintiff incorporates by reference the allegations contained in the preceding paragraphs of this Complaint to the extent not inconsistent with the claims asserted in this Count.
- b. By its wrongful acts and omissions described herein, including selling a Vehicle with defective electronic throttle control and/or accelerator pedal position sensors, General Motors was unjustly enriched at the expense of Plaintiffs.
- c. Plaintiff conferred a benefit upon General Motors by purchasing the Vehicles at the full price for fully functional vehicles equipped with appropriate and working electronic throttle control and/or accelerator pedal positions sensors.
- d. General Motors knew that Plaintiff would purchase the Vehicle and still accepted the sum contemplated for fully functional vehicles equipped with appropriate and working electronic throttle control and/or accelerator pedal position sensors.
- e. Under the circumstances it would be inequitable for General Motors nor Ed Morse to retain the profits benefits, and other compensation obtained through its wrongful conduct in manufacturing, marketing and selling the Vehicles with defective electronic throttle control and/or accelerator pedal position sensors to

Plaintiff. Natural justice and equity require that Plaintiff recover under the circumstances.

- f. Plaintiff, seeks restitution from General Motors and Ed Morse, and an order of this Court proportionally disgorging all profits, benefits, and other compensation wrongly obtained by General Motors for its conduct.

XIII

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that upon final hearing hereof, Plaintiff have:

1. Judgment against Defendants for the actual and special damages suffered by Plaintiff as a result of Defendants' conduct, in an amount in excess of the minimum jurisdictional limits of the Court;
2. For an order awarding actual, statutory, punitive, and/or any other form of damages.
3. Prejudgment and Post Judgment interest as provided by law;
4. Such other further relief to which Plaintiff may show himself justly entitled.
5. For an order awarding Plaintiff reasonable attorney fees and costs of suit, including expert witness fees; and
6. For an order awarding such other and further relief as this Court may deem just and proper

REQUEST FOR DISCLOSURE

TO DEFENDANTS: GENERAL MOTORS LLC., and FREEDOM CHEVROLET BUICK
GMC BY ED MORSE: Pursuant to Rule 194, you are requested to disclose, within 50 days of
service of this request, the information or materials described in Rule 194.2.

SIGNED on July 20, 2021

Respectfully submitted,

/s/ Arnesia B. Davis

Arnesia B. Davis

State Bar No. 24096363

a.davis@areuhrt.com

ARNESIA B. DAVIS, PLLC.

P.O. Box 1493

DeSoto, Texas 75115

Telephone (833) 273-8478

Facsimile (833) 273-8478

ATTORNEY FOR PLAINTIFF

096-325062-21

FILED
TARRANT COUNTY
7/21/2021 4:50 PM
THOMAS A. WILDER
DISTRICT CLERK

CAUSE NO. 096-325062-21

BRUCE MCCOY,

Plaintiff,

v.

**GENERAL MOTORS LLC and
ED MORSE AUTOMOTIVE LLC,**

Defendants.

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IN THE DISTRICT COURT OF

TARRANT COUNTY

96TH JUDICIAL DISTRICT

MOTION FOR WITHDRAWAL AND SUBSTITUTION OF COUNSEL

Defendant Ed Morse Automotive LLC d/b/a Freedom Chevrolet Buick GMC by Ed Morse (“Ed Morse Automotive”) and its undersigned counsel file this Motion for Withdrawal and Substitution of Counsel (the “Motion”) and in support thereof would respectfully show the Court as follows:

1. Defendant Ed Morse Automotive is presently represented by Tom C. Clark and the law firm Clark, Malouf & White, L.L.P. in Dallas, Texas.

2. Defendant Ed Morse Automotive requests that Tom C. Clark and the law firm Clark, Malouf & White, L.L.P. be allowed to withdraw herein as attorneys of record for Ed Morse Automotive and that Deron L. Wade, State Bar No. 24008220, and Rebekah L. Hudgins, State Bar No. 24101960, and the law firm of Dykema Gossett PLLC, 1717 Main Street, Suite 4200, Dallas, Texas 75201, (214) 462-6400 (telephone), (214) 462-6401 (facsimile) be substituted in as counsel of record.

3. This Motion is made with the approval of Ed Morse Automotive and is not sought for delay, but so that justice may be done.

WHEREFORE, Defendant Ed Morse Automotive requests this Motion for Withdrawal and Substitution of Counsel be granted and that Tom C. Clark and the law firm Clark, Malouf & White,

L.L.P. be allowed to withdraw and that Deron L. Wade, Rebekah L. Hudgins, and the law firm Dykema Gossett PLLC be substituted in as counsel of record.

Respectfully submitted,

/s/ Tom C. Clark

TOM C. CLARK

State Bar No. 04298750

Direct: (214) 559-4411

[E-mail: tom@cmwattorneys.com](mailto:tom@cmwattorneys.com)

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12222 Merit Drive, Ste. 340

Dallas, Texas 75251

(214) 559-4400

(214) 559-4466 - fax

**ATTORNEYS FOR DEFENDANT
ED MORSE AUTOMOTIVE, LLC
D/B/A FREEDOM CHEVROLET
BUICK GMC BY ED MORSE**

APPROVED:

/s/ Deron L. Wade

DERON L. WADE

State Bar No. 24008220

[E-Mail: dwade@dykema.com](mailto:dwade@dykema.com)

REBEKAH L. HUDGINS

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Dallas, Texas 75201

Telephone: (214) 462-6400

Facsimile: (214) 462-6401

**ATTORNEYS FOR GENERAL
MOTORS LLC**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on all counsel of record according to the Texas Rules of Civil Procedure on this the 21st day of July, 2021.

/s/ Tom C. Clark (by permission)

TOM C. CLARK

096-325062-21

CAUSE NO. 096-325062-21

BRUCE MCCOY,

Plaintiff,

v.

**GENERAL MOTORS LLC and
ED MORSE AUTOMOTIVE LLC,**

Defendants.

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IN THE DISTRICT COURT OF

TARRANT COUNTY

96TH JUDICIAL DISTRICT

**ORDER GRANTING MOTION FOR
WITHDRAWAL AND SUBSTITUTION OF COUNSEL**

Before the Court is the Motion for Withdrawal and Substitution of Counsel (the “Motion”). Having considered the Motion, the Court finds that the Motion should be and is hereby **GRANTED**.

Accordingly, it is hereby **ORDERED, ADJUDGED, and DECREED** that Tom Clark and the law firm of Clark, Malouf & White, L.L.P. are withdrawn and Deron L. Wade and Rebekah L. Hudgins and the law firm of Dykema Gossett PLLC are substituted in their place as counsel for Defendant Ed Morse Automotive LLC d/b/a Freedom Chevrolet Buick GMC by Ed Morse.

SIGNED this _____ day of _____, 2021.

JUDGE PRESIDING

APPROVED:

/s/ Tom C. Clark

TOM C. CLARK

State Bar No. 04298750

Direct: (214) 559-4411

[E-mail: tom@cmwattorneys.com](mailto:tom@cmwattorneys.com)

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**ATTORNEYS FOR DEFENDANT
ED MORSE AUTOMOTIVE, LLC D/B/A FREEDOM
CHEVROLET BUICK GMC BY ED MORSE**

AND

/s/ Deron L. Wade

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Telephone: (214) 462-6400

Facsimile: (214) 462-6401

096-325062-21

CAUSE NO. 096-325062-21

BRUCE MCCOY,

IN THE DISTRICT COURT OF

Plaintiff,

v.

TARRANT COUNTY

GENERAL MOTORS LLC and
ED MORSE AUTOMOTIVE LLC,

Defendants.

96TH JUDICIAL DISTRICT

**ORDER GRANTING MOTION FOR
WITHDRAWAL AND SUBSTITUTION OF COUNSEL**

Before the Court is the Motion for Withdrawal and Substitution of Counsel (the "Motion").

Having considered the Motion, the Court finds that the Motion should be and is hereby
GRANTED.

Accordingly, it is hereby **ORDERED, ADJUDGED, and DECREED** that Tom Clark and the law firm of Clark, Malouf & White, L.L.P. are withdrawn and Deron L. Wade and Rebekah L. Hudgins and the law firm of Dykema Gossett PLLC are substituted in their place as counsel for Defendant Ed Morse Automotive LLC d/b/, Freedom Chevrolet Buick GMC by Ed Morse.

SIGNED this 7 day of July, 2021.


JUDGE PRESIDING Si by Assignment

**ORDER GRANTING MOTION FOR
WITHDRAWAL AND SUBSTITUTION OF COUNSEL**

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PAGE 1

APPROVED:

/s/ Tom C. Clark

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State Bar No. 04298750

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[E-mail: tom@cmwattorneys.com](mailto:tom@cmwattorneys.com)

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(214) 559-4466 - fax

**ATTORNEYS FOR DEFENDANT
ED MORSE AUTOMOTIVE, LLC D/B/A FREEDOM
CHEVROLET BUICK GMC BY ED MORSE**

AND

/s/Deron L. Wade

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REBEKAH L. HUDGINS

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From: [Tanya L. Weiss](#)
To: [A.DAVIS@AREUHRT.COM](#); [DWADE@DYKEMA.COM](#); [TOM@CMWATTORNEYS.COM](#); [RHUDGINS@DYKEMA.COM](#)
Subject: 096-325062-21-***
Date: Thursday, July 22, 2021 4:20:00 PM
Attachments: [09632506221000017.pdf](#)
[image001.png](#)

Please see the enclosed Order signed by the Judge. Thanks & have a great day on purpose.

Tanya Weiss
96th Administrative Court Clerk
Tarrant County District Clerks Office
Tom Vandergriff Civil Courts Building
100 N. Calhoun, 2nd Floor
Fort Worth, Tx 76196
817-884-1570
tlweiss@tarrantcounty.com

Tarrant

County District Clerk Online**7 Thomas A. Wilder, District Clerk**

Civil Case and Transaction Information

08/11/2021 2:07 PM

Court : 096 **Case :** 325062

Search

New Search

Show Service Documents ONLY

Cause Number : 096-325062-21**Date Filed :** 05-05-2021BRUCE MCCOY | **VS** | GENERAL MOTORS LLC., ET AL**Cause of Action :** INJURY OR DAMAGE, OTHER PRODUCT LIABILITY**Case Status :** PENDING

File Mark	Description	Assessed Fee	Credit/Paid Fee
05-05-2021	<u>PLTFS ORIG PET W/ATTACHED REQS FOR DISCL TO DEFN</u>	<u>\$289.00</u>	N
05-05-2021	<u>PAYMENT RECEIVED trans #1</u>		<u>\$289.00</u>
05-05-2021	<u>LTR RE CITS (EMAIL-FS)</u>		\$0.00
05-05-2021	<u>CIT-ISSUED ON GENERAL MOTORS LLC-On 05/06/2021</u>	<u>\$8.00</u>	N <u>Svc</u>
05-05-2021	<u>CIT-ISSUED ON ED MORSE AUTOMOTIVE LLC-On 05/06/2021</u>	\$8.00	N <u>Svc</u>
05-05-2021	<u>PAYMENT RECEIVED trans #5</u>		<u>\$8.00</u>
05-05-2021	<u>PAYMENT RECEIVED trans #4</u>		\$8.00
06-02-2021	<u>CIT TR# 5 RET EXEC(ED MORSE AUTOMOTIVE LLC) ON 0 6/02/2021</u>		\$0.00
06-09-2021	<u>CIT Tr# 4 RET EXEC(GENERAL MOTORS LLC) On 05/28/2021</u>		\$0.00
06-18-2021	<u>GENERAL MOTORS LLC OBJ SPEC/EXC & ORIG ANS</u>		\$0.00

06-18-2021	<u>JURY FEE</u>		<u>\$40.00</u>
		N	
06-18-2021	<u>PAYMENT RECEIVED trans #11</u>		<u>\$40.00</u>
		Y	
06-21-2021	<u>DEFN ED MORSE AUTOMOTIVE LLC'S</u>		<u>\$0.00</u>
	<u>ORIG ANS</u>		
07-20-2021	<u>PLTF'S 1ST AMD PET W/ATTACHED REQ</u>		<u>\$0.00</u>
	<u>FOR DISC TO DEFN(NO +)</u>		
07-21-2021	<u>MTN FOR W/D & SUB OF COUNSEL</u>		<u>\$0.00</u>
07-21-2021	<u>(PROP) ORD GRANT MTN FOR W/D & SUB</u>		<u>\$0.00</u>
	<u>OF COUNSEL</u>		
07-22-2021	<u>***ORD GRANT W/D & SUB OF COUNSEL</u>		<u>\$0.00</u>
		M	